

Filed for intro on 02/02/98
SENATE BILL 2777 By
Herron

HOUSE BILL 2874
By Eckles

AN ACT relative to establishing a commission to draft a proposed comprehensive revision of laws affecting people with mental illness or disabilities, and to amend Tennessee Code Annotated, Title 33.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. (a) The name of the department of mental health and mental retardation is changed to the department of mental health and disability services, and all references in this act or in the Tennessee Code Annotated to the former name shall be deemed to refer to the renamed department.

(b) The title of the commissioner of mental health and mental retardation is hereby changed to the commissioner of mental health and disability services, and all references in this act or in the Tennessee Code Annotated to the former name shall be deemed to refer to the renamed position.

(c) The Tennessee Code Commission is authorized and requested to change references to the department of mental health and mental retardation and the commissioner of mental health and mental retardation to references to the department of mental health and disability services and the commissioner of mental health and disability services, as appropriate, and at an appropriate time.

SECTION 2. (a) In order to assure stability in administering programs under Tennessee Code Annotated, Title 33, while the commission created by Section 3 completes its work, no

50000000

50000000

009808

00980857

funds shall be expended to perpetuate or implement the transfer of any of the functions, duties, responsibilities or authority of the department of mental health and mental retardation (as renamed by Section 1 the department of mental health and disability services) to the department of health, or to any other agency not explicitly authorized and empowered by statute or court order to receive and discharge such functions, duties, responsibilities or authority. This prohibition includes, but is not limited to, a bar on the expenditure of funds to pay salaries or benefits of any state employee, other than an employee of the department of mental health and mental retardation (as renamed by Section 1 the department of mental health and disability services), to discharge any of the duties, functions, responsibilities or authority of such department, as defined by statute or court order.

(b) In order to further assure stability in administering programs under Tennessee Code Annotated, Title 33, while the commission created by Section 3 completes its work, no authority under Tennessee Code Annotated, Title 4, Chapter 4, may be exercised to transfer a function, duty or responsibility assigned by statute or court order to the department of mental health and mental retardation (as renamed by Section 1 the department of mental health and disability services), to the department of health or any other agency.

SECTION 3. (a) There is hereby created a mental health and disability law revision commission composed of the commissioner of mental health and mental retardation (renamed by Section 1 the commissioner of mental health and disability services) as an ex officio member, and twelve (12) additional members appointed as follows: one (1) member of the judiciary to be appointed by the members of the supreme court; the chair of the mental health subcommittee of the house health and human resources committee or the chair's designee; the chair of the joint mental health study committee, continued pursuant to Senate Joint Resolution 61 or the chair's designee; two (2) senators appointed by the speaker of the senate; two (2) members of the house of representatives appointed by the speaker; one (1) member appointed by Tennessee Voices for Children; one (1) member appointed by The Association for Retarded Citizens (Arc)

of Tennessee; one (1) member appointed by the Tennessee Association of Mental Health Organizations; one (1) member appointed by the Community Rehabilitation

Agencies of Tennessee; and one (1) member appointed by the Tennessee Disability Coalition.

At least one (1) member of the commission shall be a recipient of services from the department of mental health and mental retardation and/or a family member of a recipient.

(b) Members of the commission not employed by the state or its political subdivisions shall be reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration and approved by the attorney general.

(c) The commission shall be administratively attached to the administrative office of the courts, but for all purposes other than administrative shall be considered independent.

(d) The commission is authorized to employ an executive director having appropriate training and experience to assist the commission in the performance of its duties. Such director shall be responsible for compiling the work of the commission and drafting suggested legislation incorporating the commission's findings for submission to the general assembly. The commission shall also be authorized to employ such other staff as is necessary for the performance of its duties.

(e) The duties of the commission are to study and draft a proposed comprehensive revision of the laws affecting Tennesseans with mental illness or disabilities. The purpose of such revision is to modernize the law, streamline government operations, improve accountability to taxpayers and consumers and provide for the equitable availability of quality services. The revision shall ensure that there are appropriate due process safeguards for consumers, effective fiscal and programmatic accountability to the public, and strong public involvement and oversight. The

commission shall submit its report and recommendations to the general assembly by January 1, 1999.

SECTION 4. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.